App. F. IX-4

Previous References

Mus 141-35-1-4
Pers 223-34-1-6
" 74-31-182
" 174-30-1-9
Letter References.
R 318-34-1-4

193.-36
(Mus)

Mus File No. 141-35
Serial Nos. 5 & 6

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for April 1936

SUBJECT.

Resumption of S. No 127 B Kethamarana Kallya, Bangalore Taluk

P 0 14-31

P 16-4-36

WD 03607—GPB—22,500—2-8-35

Mr. H. Barnett Esqr,
C/o Messrs H. Narayana Rao & Co
Advocate Bangr

Reports that the order already passed cannot be reconsidered

Serial No.

Petition dt 19.3.36 from the Nagara Rao. M.A. Advocate Bangalore city filed on behalf of his client Basallappa stating that he has invested large sums of money and improved the land in Kothanuru Kalli Bangalore Taluk which he says it has been in the possession of the petitioner's family for over 80 years and praying for the grant of the land subject to conditions that Government may impose in that behalf (1) vide opinion See notes P.A.D. dtd. Rejected) Subject to the reference (2) The request of the petr is in fact for a reconsideration of orders communicated to him in this office Endt No 8744 / Misc 141-35-4 dt 19.12.1935 for the following reasons:—

i) That the land in Kothanuranakalli has been in the possession of his family & himself for over 80 years.

ii) That one Gangasollara Channabasappa has in his petn dt 8/1/1908 (over 28 yrs back) addressed to the Amildar Bangalore Tk Said land Survey No 123 in Kothanuranakalli Village Bangalore Tk has been in possession of Channabasappa in a devanu of 200 mutte as Akkipet Bangalore City for a long time (Vide Certified Copy appended).

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—16-7-35

i) That in a statement* of 13/4/1900 *W
given before The Tr Amildar by Channabiradevaru
the latter has deposed as follow
The Inam land pertaining to Arale per Doddmane
was gifted to me by Thotadappa devaru & has
been in my possession for over 40 years.
& that I have made over the said land
to Basalina Nani devaru and Basellappa-
(vide Certified copy appended).

ii) The m.c has in paras 2 & 3 of his letter No ATR 23/33-34 of 29.11.34 F
stated that the possession could have become
adverse to Arale per Mutt if at all only
when that Mutt became defunct, that the
exact point of time when this occurred could
not be determined but that there is reason
to believe that the Mutt ceased to exist
& the appellant's possession became
adverse some time after the year 877-
that the case would seem to come
in which under the 2nd proviso to Sec 4
(1) of the Religious & Charitable Inst^ns
Act^n the land should be duly assessed
& left in the hands of the alienees
the assessment being made over the
original Inst^n

Serial No.

4) ✓ In this case
with the T.C. official Secretary's Note I. Trade
Mark of that kind.
Generally the Rule.
In fact record relating to such cases
had not been received here as ever
both records connected with the appeal
In these circumstances as is said
for order if the Petn may be
forwarded to the M.C. for a report
in the light of what is urged in paras
2. 3 & 4 of the P. and together with records
relating to Arale Pol Doddamalli Shanbhog
Gopal when two latter became deceased.

X — Gs 30/8/30 — In G.O. No. 2589 Muzrai 174-30-4 dated 4th June 1931 Govt. have held that the lands were granted to the Arlepet Dodda matha. The Muzrai Comr. State

R — in his order of 25th May 1935 that the inam

B — lands of Arlepet Dodda matha are liable to resumption under G.O. No. 1769-72 Muzrai 49-28-2 dated 1st March 1929, as the matt has ceased

H — to exist. Govt. have confirmed this order of the Muzrai Comr. (Vide No. 844 Muzrai 141-35-4 dated 18th Decr. 1935). The petitioner appeals

NOTE.—Contn. Sheet.

WD 6094—GPB—30,000—18-7 35

against this order. He states that the Akkipel Matt has been in possession of the Inam lands for the past 80 years. But the Amrai Comr. states in his order of 25th may 1935 that the Akkipel Matt. were only managers of the lands. This is also the view held in G.O. No. 2559 Mucy. 174-30-9 dated 14th June 1931. ~~and Colonan of the Inams Regulation states that since it is~~ X

In view of the fact that the Akkipel matt were only managers of the Arlepel matt's lands, it is a point for consideration whether the Akkipel matt can be said to have been in possession of the lands for 80 years as stated by the petitioner.

b) The petitioner states that his case comes under the second proviso of section 10 of the Religeous and Charitable Institutions Regulation. The Amrai Comr. states in his order of 25th May 1935 that the appellant is not entitled to the benefit of this proviso to Sec. 10, as it does not apply to matts and that the case comes under sec-30 of the Religeous Charitable ~~Institutions~~ Institutions Regulation. R

7) The above ~~order~~ is for perusal

15.4.36.

No. land in Kethamanahalli Village Bangalore
Tk. of the defendant contempt Petn ——— claimed
by the petitioner —

General and Revenue Secretariat — File No. 1024 — of 193 — [App. F. III—2

Serial No.

6) The orders already passed do not seem to require reconsideration.
7) Party will be informed accordingly (vide Members note D/13/2 in file placed below.
Gen: Secy)

2/4/36

Rec'd 6/4

6/4/36

GOVT. OF MYSORE
2 - APR. 1936
34

HOME DEPT.
6 APR. 1936
7.263

First Member

10 JP 8/4

Rec'd 9/4

9/4/36

NOTE—Contn Sheet.

WD 03594—GPB—30,000—18-7 35

File No. of 193 . General and Revenu Secretariat

Serial No.

Petition of 4.4.36 from Mr. N. Basavappa Akkasale Bangalore city praying that his Counsel may be heard before orders are passed on the Case referred to therein

11 Misc D. No 1047 — The connected File is before us First Number of connected it was taken on 6-4-36. It is about the petn's claim for the Inam land in Kethamanahalli Bangalore IK originally endowed to Aralesale Mutt — a defunct Institn — the petner requests that his Counsel may be heard in the matter — Noted in Continuation —

CV 8/4 The Govt. have passed orders on the appeal of the petitioners against the orders of the Amildar Comr. The appeal referred to above is an appeal against the orders of Govt. Section 38, clause 4 of the Religious and Charitable Institutions Regulation allows only one appeal to Govt. It does not allow a second appeal to Govt. As the first appeal was disposed of after careful consideration

NOTE.—Contn. Sheet

WD 03591—GPB—30,000—18-7-35

Re: Kothamangalam Iyyam Land endorsed to Lotteries [illegible] Appeal pending

File No. 141 of 1935-6 General and Revenue Secretariat

strictly speaking the petitioner has no right to appeal again to govt. It is, therefore a point for orders whether it is necessary to give a personal hearing in a second appeal to govt.

8.4.36.

13) Orders of the First Member on the file submitted to him on 6.4.36 with the Gen: Secy's note may perhaps be awaited. 8/4/36

Gen: Secy)

14) Yes

15. The file referred to in 9/4/36 para 13 of the notes has since been received with orders. D/f. as in paras 8–10 supra (Page 5 of the notes) is submitted.

11/4 12.4.36

16) Yes 11/4/36

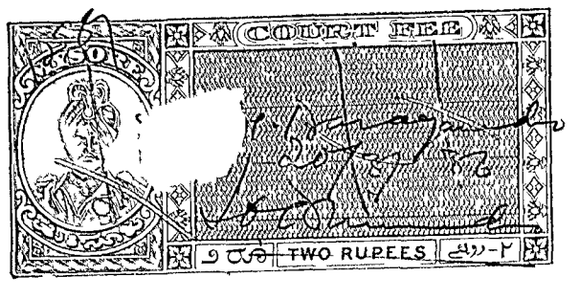
TYPING SECTION 21 APR. 1936 GENL. & REV. SECTT.

No. 1431 dt. 16.4.1936 to Tiptur-M.

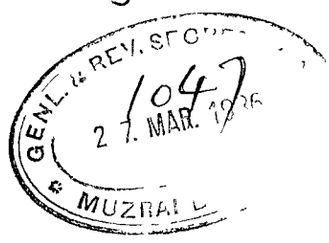
Basellappa in his petition these orders already passed cannot be reconsidered.

21.4.36

23.4.36.



Muz 141-35-5



BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Muz Review No. 18 of
~~MISCELLANEOUS NO.~~ 1935 - 36.

20/3/36

Issue Notices

25/3

P E T I T I O N E R:- M.Basettappa, Residing at Akkipet, Bangalore City.

Petitioner most respectfully begs to state as follows:-

Petitioner begs to prefer this petition to review of the order of Government dated 19/12/35 passed as No.844. Muz.141-35-4; the appeal related to disposal of Survey No.123 of Kethamarana - hally, Bangalore Taluk; In Muzrai Appeal No.12/- of 1930-31 on the file of the Government, It was observed that petitioner and his predecessors in title were in unauthorised enjoyment and since petitioner in Mis. No.256/- of 31-32 represented that his claims to the same by virtue of adverse possession and otherwise may be enquired into and the land granted to him, it was ordered by Govt., that this question may be considered by the courts below.

Muz 174-30-7

(1) The courts below however, cuncurrently held that adverse enjoyment was not made out and that though petitioner was in possession for a long number of years, he should be dispossessed and from

and from the said cuncurrent decision, petitioner preferred the appeal above referred to, which was disposed of without giving him a hearing.

(2) Appellant begs to support this review on t e ground of additional evidence which he herewith produces. The same are public records and there can be no question of their genuine - ness. The first of the papers produced is a statement dated 13/4/1908 recorded by the Amildar of Bangalore Taluk of Chennabasavadevaru, the transferee from representatives of the original grantee. The said statement shows that the said Chennaveeradevaru enjoyed it for 40 years and made a gift of it to petitioner.

(3) The second of the papers is copy of petition filed by petitioner on 8/1/1908 before the Amildar, Bangalore Taluk in which it is definitely brought to the notice of the said learned officer that petitioner was in possession and claimed to be in possession on his own account and in his own right. These records have been noticed by any of the courts below and they make out a complete case of - adverse possession at any rate under proviso 2 to section 10. of Religious and Charitable - Institutions' Regulation. Petitioner also submits that in the file are available original lease deeds executed by tenants in - favour of petitioner, showing that these documents were taken in his individual right.

(4) Petitioner submits that under the law of Limitation, he is entitled also to

also to tack on to his own possession the possession of his predecessors in interest Chennaveeradevaru to whom the property in question was given by Thotadadevaru of Dodmutt in 1849, and who from that point of time has been enjoying the same on his own account as evidenced by his declaration in which event the terms of the Chief Commissioner's notification dated 17-11-1877 would apply to this case.

(5) Petitioner begs to submit a 3rd ground in support of his contentions. He has invested large sums of money and improved this land. He has paid quit rent throughout, and the land has been in enjoyment of the family for over 80 years. The Government have relaxed the rigour of the rule against alienation of service and other - Inam Lands, in order to meet the equities of cases that arise and have cancelled the Inam - tenure and confirmed the lands over to the possession of claimants.

(6) He begs to submit that the order passed in Revenue Appeal No.92/- of 1934-35 dated 17/1/35 is an instance in point. Petitioner submits that he is entitled to special equities in this case and to the grant of land in question upon such condition that Government may impose in this behalf.

He begs respectfully that he may be granted a hearing before this appeal is disposed of.

BANGALORE CITY,
19th March '36.

Petitioner.

Advocate for the petitioner.

1089

Before the Govt of H H the Maharaja
of Mysore
Bangalore

7207
6.4

Ref. no 844 - Miz. 141. 35-6.

Petitioner M. Basettappa
Manager Merchants. Akkipet
Bangalore City

Petitioner's Memorandum.

1. Petitioner has prayed for a hearing in the above Case.

2. He has submitted additional evidence of an indisputable character and cited rulings of Govt which are conclusive in his favour.

3 Reasonable preparation is done to have an account of his appeal being registered without a hearing He has Explained the Le-

Sans an foot of Which
ne keeps a le hearing

He prays that his Counsel
may be heard before rules
are passed.

Respectfully
Thos F Meehan
4/4/36

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

13

General and Revenue Secretariat

Dated, Bangalore 15th April 1936.

No. 1431/Muz 141-35-6 Encl 2

ENDORSEMENT.

To

Mr. M.Basettappa,
care of Mr. M.Narayana Rao,M.A., B.L.,
Advocate, Bangalore City.

With reference to his petition dated 19th March 1936 requesting reconsideration of the orders of Government regarding the resumption of Survey No. 127 of Kethamaranhalli,Bangalore Taluk communicated to him in this Office endorsement No.844/Muz 141-35-4 dated 19th December 1935 and the subsequent petition dated 4th April 1936 praying that his Counsel may be heard before orders are passed, Mr. M.Basettappa is informed that orders already passed cannot be reconsidered. The enclosures to his petition of 19th March 1936 are herewith returned.

By Order,

for General Secretary to Govt.
G.S

Sans at foot of which
he begs a re hearing

He prays that his Counsel
may be heard before orders
are passed.

Emanuel Leo
Thos L Hicks
4/4/36

Appendix E (G—1)

SUBJECT .....

.....

.....

Section Mlc2

File No. 141-35

Serial No. 6

No. 1431

End 2

To

Mr. M. Basetthappa

C/o Mr. M. Narayana Rao M.A., B.L.,

Advocate, Bangalore City.

With reference to his petition dated 19-3-36 requesting a renewal of the orders ~~Sanctioned~~ ~~to him~~ ~~in~~ ~~Office~~ ~~Endt~~ No 844/ mcg 141-35-4 of 19.12.35 ~~passed~~ ~~in favour~~ ~~of~~ ~~Kethamaranahalli~~ and ~~Kempapura~~ & the Subregistrar's of 4.4.36 stating that his Counsel may be heard before orders are passed, I am to

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193 .

Date of issue 16-4-36

Signed by [illegible]

of Govt. regarding the resumption of S No. 127 of Kethamaranahalli, Bangalore Taluk, ~~which belonged to the deceased Subedar Sahib~~ ~~Mahomed Hussain~~

List of enclosures .....

Copied by .....

Examined by.....

Basettappa is informed that does
already passed. ~~to not require~~ Cannot be
reconsideration. The enclosures
to his petition of 19-3-86
are herewith returned. ~~to him~~
~~are no longer needed for reference~~
~~here~~

B.O

14/4/86

Forwarded

~~8/8~~
14/4/86